

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
LUCIA MARETT, on behalf of herself and all  
others similarly situated,

Plaintiff,

-against-

PALM RESTAURANT, INC.,

Defendant.  
-----X

Case No. 16-CV-9381

**NOTICE OF MOTION AND  
REQUEST FOR ORAL  
ARGUMENT**

**PLEASE TAKE NOTICE** that, upon the annexed Memorandum of Law, Defendant Palm Restaurant Inc. ("Defendant"), by its attorneys Kaufman Dolowich & Voluck, LLP, will move this Court before the Honorable John G. Koeltl, at the United States District Courthouse, Southern District of New York, 500 Pearl Street, New York, New York 10007, on a date and time to be designated by the Court, for an Order dismissing the Complaint herein pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, on the ground that the Complaint fails to state a claim upon which relief can be granted, and granting such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Rule 6.1(b)(2) of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York (the "Local Rules"), opposing affidavits and answering papers shall be served within fourteen days after the service of the moving papers.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Civil Rule 6.1(b)(3), reply papers, if any, shall be served within seven days after service of the answering papers.

**PLEASE TAKE FURTHER NOTICE** that, movant respectfully requests oral argument on this motion.

Dated: March 31, 2017

**KAUFMAN DOLOWICH & VOLUCK, LLP**  
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